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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,051	01/15/2000	MICHAEL J. PICCIALLO	P-22425-B-US	1136
<div>7590 09/06/2007 PETER J BUTCH III SYNNESTVEDT & LECHNER 2600 ARAMARK BUILDING 1101 MARKET STREET PHILADELPHIA, PA 19107</div>			<div>EXAMINER HEWITT II, CALVIN L</div>	
			<div>ART UNIT 3621</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 09/06/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/478,051

Applicant(s)

PICCIALLO, MICHAEL J.

Examiner

Calvin L. Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-85, 87-96, 98-108 and 110 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-85, 87-96, 98-108 and 110 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 75-85, 87-96, 98-108 and 110 have been examined.

Response to Amendments/Arguments

2. Applicant's arguments with respect to claims 75-85, 87-96, 98-108 and 110 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has amended claims 75 and 99 to recite encoding a magnetic card with information and issuing the card to a user such as a child. However, Applicant has not claimed a specific relationship between the card and the created third party account, using the card to perform a fund transfer, or controlling what specific goods and services can be purchased using the card through limiting information. Hence, as Dorrough et al. teach issuing a magnetic card to a child ('269, column/line 1/65-2/22; column 6, lines 47-65) and encoding the magnetic card with account information ('269, column 6, lines 47-65; column 7, lines 6-16 and 27-34; column 9, lines 3-20), it would have been obvious to one of ordinary skill to combine the teachings of Dorrough et al. and, Nakano et al. and Anderson et al. in order allow a child to play games both online and offline and control how much the child spends on the games ('269,

column 7, lines 35-68; column 11, lines 27-68; '260, abstract; column 6, lines 47-57; column 7, lines 15-25 and 43-50; column 8, lines 4-9).

Regarding how information is sent to the credit card company by a user/parent, Nakano et al. teach managing the third party account over telephone, cable or other communications network (column 6, lines 40-46), hence the use of a computer is inherent, at least suggested by Nakano et al. or an obvious modification as it is not invention to merely automate a known manual activity that produces the same result (*In re Venner*, 120 USPQ 192 (CCPA 1958); *In re Rundell*, 9 USPQ 220 (CCPA 1931)).

The Examiner has reconsidered all evidence of record including the Affidavits filed on 16 July 2002 and 27 March 2003 and have found them non-persuasive. Initially, the Examiner has found parts of the handwritten notes illegible. Also, Applicant has not provided substantial evidence for why Applicant is entitled to the date of 25 September 1995, other than the phrase "...when we met on a date prior to 25 September 1995 (Affidavit, 3-27-03, item 4), nor has Applicant provided proof of the required due diligence between the purported date of 25 September 1995 or any other date prior to the filing of the 08/585173 application (note: Applicant has also not shown why Applicant should be entitled to this date as the instant application is continuation-in-part from the '173 application). Finally, from what the Examiner can interpret from the filed Affidavits (with help, for

example from the Declaration filed on 7-16-2002), Applicant has not provided proof of possession of subject matter from claims 75, 88 and 99. Specifically, the Affidavits are silent a personal computer or a display. In fact, Applicant's Affidavits concede this point (Declaration filed on 7-16-2002, item 6). Hence, for the above reasons, Applicant is not entitled to at least the earlier dates of 25 September 1995 and 11 January 2006.

The following assertion of facts has gone unchallenged and is considered admitted prior art:

- exchanging data over the internet via electronic mail

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 75-85, 87-96, 98-108 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al., U.S. Patent No. 5,845,260 in view of Anderson et al., U.S. Patent No. 5,706,442 and Dorrough et al., U.S. Patent No. 5,287,269.

As per claims 75-85, 87-96, 98-108 and 110, Nakano et al. teach a computer based method for transferring funds to a third party comprising:

- using information entered by a depositor on a PC to create a third party account (figures 2 and 6)
- periodic (e.g. weekly, monthly) and automatic transfer of funds into the third party account (column 6, lines 47-57)
- [periodically] limiting the funds spent and how funds are spent (abstract; column 6, lines 47-57; column 7, lines 15-25 and 43-50; column 8, lines 4-9)

As per claims 78, 80, 88 and 99, it is inherent that a bank or other financial institution will verify that there are sufficient funds in an account in order support a funds transfer, for example. Nakano et al. disclose storing information on fund transferees and payment amounts for said third party account (figures 2 and 6; column 4, lines 42-53; column 6, lines 11-28) however, Nakano et al. do explicitly recite a depositor viewing said information. Anderson et al. teach presenting account activity and balances to a user at CRT or LCD device (column/line 1/55-2/8) over the internet (column/line 1/55-2/8). As per claims 84 and 108, a well known method for exchanging data over the internet is via electronic mail. However, neither Nakano et al. nor Anderson et al. specifically recite issuing an encoded card to a second user (e.g. a child). Dorrough et al. teach issuing a magnetic card to a child ('269, column/line 1/65-2/22;

column 6, lines 47-65) and encoding the magnetic card with account information ('269, column 6, lines 47-65; column 7, lines 6-16 and 27-34; column 9, lines 3-20), it would have been obvious to one of ordinary skill to combine the teachings of Nakano et al., Anderson et al. and Dorrough et al. in order allow a child to play games both online and offline and control how much the child spends on the games ('269, column 7, lines 35-68; column 11, lines 27-68; '260, abstract; column 6, lines 47-57; column 7, lines 15-25 and 43-50; column 8, lines 4-9). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Nakano et al. and Anderson et al. in order to enable depositors to efficiently keep track her/his finances ('442, column/line 1/22-2/7).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

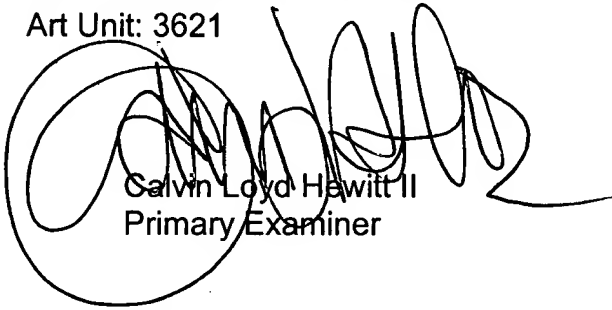
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached at (571) 272-6779.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Calvin Lloyd Hawitt II
Primary Examiner

August 29, 2007